

EXHIBIT A

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE SOUTHERN DISTRICT OF TEXAS

3 HOUSTON DIVISION

4 CAMELOT EVENT DRIVEN FUND § CASE NO. 4:19-CV-957

§ HOUSTON, TX

5 VERSUS § WEDNESDAY,

§ FEBRUARY 21, 2024

6 ALTA MESA RESOURCES § 1:31 P.M. TO 2:20 P.M.

7 PRE-MOTION HEARING

8 BEFORE THE HONORABLE GEORG C. HANKS, JR.

9 UNITED STATES DISTRICT JUDGE

10 APPEARANCES:

11 FOR THE PARTIES: SEE NEXT PAGE

12 COURT REPORTER: REBECCA BECKNAL

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1 HOUSTON, TEXAS; WEDNESDAY, FEBRUARY 21, 2024; 1:31 P.M.

2 THE COURT: Good afternoon, everyone. The next case
3 on the Court's docket is Cause Number 19-CV-957, Camelot Event
4 Driven vs. Alta Mesa. I know we've got a number of attorneys
5 on the line this afternoon. Can the attorneys who will be
6 speaking just introduce their side? And then that way we might
7 short-circuit. If you're not going to be speaking, just you
8 can let somebody else introduce you.

9 MR. ENTWISTLE: Good afternoon Your Honor, Andrew
10 Entwistle for the lead Plaintiffs and my colleague, Trig Smith,
11 who is also with us today, will be -- will likely be speaking,
12 as well, depending on the flow of the issues today. I've got a
13 number of colleagues on the phone and there are a number of
14 others from both Mr. Smith's firm and also the Labaton firm,
15 but we won't take your time in introducing all of them, they
16 won't be speaking.

17 THE COURT: Okay. Thank you, Mr. Entwistle. And
18 then, on behalf -- or next?

19 MR. PORTER: Good afternoon, Judge. Sorry, Mr.
20 Hampson, (indiscernible).

21 MR. HAMPSON: Yes, thank you, Chris. Good afternoon,
22 Judge. My name is Mike Hampson of the law firm of Rolnick
23 Kramer Sadighi for the two sets of Alta Plaintiffs. I have on
24 the Zoom call, my colleagues, Matthew Peller and Joseph
25 Sparacio, though I don't anticipate either of them will be

1 speaking today. Thank you.

2 THE COURT: Okay. Great. Welcome.

3 MR. HAMPSON: Thanks.

4 MR. PORTER: Judge Hanks, good afternoon. Good
5 afternoon. Chris Porter with Quinn Emanuel on behalf of HPS
6 and Mr. Dimitrievich. We have a couple of things to discuss
7 and so, on behalf of all Defendants, we've submitted a
8 PowerPoint regarding the Continuance Letter, but obviously if
9 all the folks on the Defense side want to speak, that's
10 perfect. (indiscernible), we submitted also a PowerPoint to
11 (indiscernible) our request for a hearing. And so, today,
12 regarding the Continuance, my colleague, Courtney Whang, is
13 going to be arguing that position for us. We've been on this
14 case along when we started, Ms. Whang was an associate. She's
15 now a partner, so --

16 THE COURT: Congratulations.

17 MR. PORTER: -- my partner, will be arguing that and
18 Melanie Guzman will be speaking on behalf of requesting the
19 hearing. She's not a partner yet, but she's doing great work.

20 THE COURT: Great. Fantastic. Well, welcome
21 everyone. Well, let me just get right to it. I did get the
22 materials regarding the Motion for Continuance, and I know that
23 a lot of time has been spent on putting together the
24 PowerPoint. But respectfully, I don't need argument on this.
25 The Motion of Continuance is denied. I am well into the

1 Motions for Summary Judgment at this point. I will get them
2 ruled on and you will get an answer back from me so that you'll
3 know exactly what issues will be tried and how the case is
4 going to proceed. The Motion for Continuance, at this time, is
5 premature. And I appreciate, Ms. Whang, I know that you and
6 Ms. Guzman and Mr. Porter put a lot of time and effort into the
7 PowerPoint and maybe at a future date it might be necessary,
8 but at this point in time, I will have the Motions ruled on and
9 the case -- unless I hear later on in the next couple of months
10 that we run into some sort of problems, we will have this case
11 ready for trial at the time that the Court stated that we were
12 going to proceed with trial with the current docket control
13 Order.

14 With respect to -- let's see, I'm sorry. With
15 respect to the request for hearing, I know that I like to give
16 young lawyers or lawyers that have been licensed more recently
17 an opportunity to argue, but in this case, you guys have
18 briefed this issue to death. I mean, it is very clear what the
19 issues are, what the facts are, so far because the discovery is
20 pretty much developed at this point in time. I can rule based
21 on the pleadings. So, with respect to the Motion for
22 Continuance, respectfully denied. Motion for Hearing, again,
23 respectfully denied. We're moving forward. I will get you
24 guys ready for trial at the time that I promised to. That is
25 my goal. If something comes up, then of course, I will want to

1 obtain a Motion for Continuance, but at this point in time,
2 things are moving pretty smoothly. I think I can get it done
3 in time to get everyone ready for trial.

4 But what I want to do as far as the Status
5 Conference, we're going to take turns. First, Ms. Entwistle,
6 for this Status Conference, you're going to start and then next
7 time, we'll have the Defendants start and we'll just rotate
8 back and forth each Status Conference. So, Mr. Entwistle, if
9 you can tell me, sort of, where you are with discovery and
10 focus if there's anything that you believe that we need to
11 flesh out to keep the case moving forward to trial. If there's
12 anything like any problems with documents or witness
13 availability or anything that comes up that you think that
14 affects our ability to go to trial, please let me know. In
15 terms of a Motion, don't worry about that, I will get rulings
16 out timely.

17 MR. ENTWISTLE: Thank you, Your Honor. So, let me
18 just, sort of, run through a couple of quick housekeeping
19 things and then we can go from there. So, first, you now have
20 all of the hyperlink briefs from the Plaintiff on --

21 THE COURT: Yes. I wanted to say thank you so much
22 for that. That made my job a lot easier.

23 MR. ENTWISTLE: Good.

24 THE COURT: And it's actually sped up the process of
25 getting an answer back to you all.

1 MR. ENTWISTLE: Terrific. So, we did that for the
2 Summary Judgment for the (indiscernible) and also the Motion to
3 Strike. We didn't hyperlink the Motion for Separate Trial
4 because (indiscernible) exactly right. That's a very
5 straightforward issue that you've dealt with on any number of
6 occasions, so we didn't do that. So, you've got all that in
7 front of you. We are -- you know, obviously, everyone is
8 moving at pace, preparing logistically to get everything to you
9 for the 5th, which is seven days before the docket call, in
10 accordance with your rules. We had made a proposal immediately
11 following the last conference, on the 1st to the Defendants.
12 They responded on the 16th, we had a Meet and Confer on the
13 19th about it. We sent them a further proposal, just for
14 logistics, to keep the flow going yesterday, fairly late in the
15 day, and I expect that we'll talk again either tomorrow or
16 Friday just following this conference, particularly now that
17 Your Honor's made it clear that we're moving forward with the
18 Docu-Call on the 5th. So, that's very helpful. Thank you for
19 that. But I don't see any issues at this point. If we do,
20 obviously we'll let you know and having these regularly
21 scheduled, obviously, is very helpful.

22 When we met and conferred with the Defendants, we did
23 advise them that we're going to get Class Notice out. It's not
24 time to do that. We're going to do simple postcard notice and
25 publication. We're going to send them -- they've already sent

1 us information from the transfer agent. We will send them a
2 draft of the Motion regarding the Notice either later --
3 probably some time tomorrow with the hope that we can get that
4 to Your Honor the beginning of the week. I expect it to be
5 unopposed. They never are opposed, but we always like to give
6 the Defendants the courtesy of seeing it before we send it to
7 you, and then, as soon as you approve it, we'll get that out.
8 So, we'll be set with that. Kind of a ministerial task, but
9 now that we're at the point where we're coming to our trial,
10 it's important just to let folks know. You have -- I mentioned
11 Motion for Separate Trials. If you have that, again, not an
12 issue. Your Honor will address that in due course. It won't
13 affect the timing of any of this as a practical matter. As you
14 can appreciate, we're all moving forward a pace.

15 And then, really the only, sort of, the last issue,
16 is one that we haven't really discussed directly with the
17 Defendants yet. We did note it in our letter that we sent in
18 yesterday. We've mentioned it to you before just in terms of
19 what we think the length of the trial might be. It is worth
20 discussing, I think just very briefly, on this call and so Mr.
21 Smith will address that issue, unless you've got questions on
22 any of the other things I've mentioned.

23 THE COURT: Oh, no questions at all. Mr. Smith, if
24 you could chime in. And let me be clear, for the parties. The
25 reason why I want to get you to trial on the scheduled date is

1 that I've got an opening. I've got a lot of time available
2 during that time to get you to trial. If I move this around or
3 we continue it, to get that kind of block of time that the
4 parties are expecting to get this case to trial, I don't know -
5 - I mean, possibly I can do it. Of course, we'll eventually
6 get to it. But now I know, I've got this block, we can go to
7 trial, let's do it while everything is clear because I don't
8 know what my future schedule may be.

9 MR. ENTWISTLE: And we appreciate that, Your Honor,
10 and we'll make sure that everyone's ready on our side. But to
11 just, sort of, very briefly let you know what length of trial,
12 kind of, looks like from our point of view, and then, we don't
13 need to address it further now, but we just wanted to let you
14 know what we were thinking.

15 THE COURT: Sure. Mr. Smith?

16 MR. SMITH: And thank you, Your Honor. Good
17 afternoon. I'll be brief. The parties have not had direct
18 communication regarding potential trial length. But I'd just
19 like to share some observations from Plaintiff's perspective.
20 So, if you could just give me a moment, I'll be done.

21 THE COURT: Sure.

22 MR. SMITH: Plaintiff's position is we anticipate
23 that we need 7 to 8 trial days to put on our case in chief. We
24 think that the other side should be able to do the same within
25 7 to 8 days. Given the number of defendants and the law firms

1 here, I'm presuming the opening would probably take better part
2 of the day and closing would take a better part of the day and
3 I just want to be clear that the opening and closing time
4 periods are exclusive of the case in chief presentations. And
5 we do --

6 THE COURT: Okay. Well, let me point out, you're not
7 going to get like, hours for opening. I mean, that's not
8 happening, just to let you know. I mean, at most, you're going
9 to get an hour for opening --

10 MR. SMITH: Okay.

11 THE COURT: -- just to be clear.

12 MR. SMITH: Okay.

13 THE COURT: Each side -- we'll need to figure out how
14 we're going to divide it out, but probably no more -- well, not
15 probably, no more than an hour and not less than that. Maybe a
16 little bit more, but that's going to be it. You won't have
17 half a day to each side to do an opening. I mean, I know
18 that's what you'd prefer, but I just went through a three-week
19 anti-trust lawsuit and the parties wanted that kind of time for
20 openings and it was just, quite frankly, kind of a waste of
21 time. So, not to say that you all don't have a lot of great
22 things to say, but if you can't put it, in this case, in an
23 hour, there's some issues. So, we can talk about it more. But
24 don't plan on half a day for -- or the better part of a day for
25 opening.

1 MR. SMITH: Understood, Your Honor. The only thing
2 I'd like to add to that, and we appreciate the Court's
3 guidance. We really appreciate it. Probably, you know, half
4 day -- probably half day to a day for rebuttal, but again,
5 (indiscernible) right now, the parties are meeting and
6 conferring, and we'll probably get a little bit more
7 intelligence on that question. This is all I wanted to add to
8 the conference, and I appreciate Your Honor's patience.

9 THE COURT: Sure. Not a problem. And is that
10 everything from the Plaintiff's side, Mr. Entwistle?

11 MR. ENTWISTLE: Yes, that is, Your Honor. We just
12 wanted to give you a heads-up on what we were thinking. I know
13 it's entirely consistent with what we've told you in prior
14 discussions. But just as we get closer, guidance like you just
15 gave regarding the length of openings, any other guidance you
16 can give us as we move along in terms of time management, etc.,
17 obviously, our Motion for Separate Trials as an effort on our
18 part to not only avoid confusion and prejudice to the class,
19 but also to streamline it. Because we actually were involved
20 in the (indiscernible) case, which we cited in those papers
21 when we sent them to you and it was much more efficient to deal
22 with the -- we represented the individual action, plaintiffs in
23 that case, and so, much more efficient to deal with a 2 or 3
24 day, what was a bench trial there, would be a jury trial here.
25 But with the benefit of the issue preclusion in that case

1 because, of course, the class prevailed on all of the issues.
2 So, again, I only mention that in terms that we're trying to
3 streamline.

4 So, as much guidance as you can give us in terms of
5 how you're thinking about managing the trial, those types of
6 things are amazingly helpful, as you appreciate, because I know
7 you were a trial lawyer before you were a trial judge. So,
8 anything you can give us in that regard, very much appreciated.
9 But we don't have any other issues right now. If we run into
10 any type of an issue with the Defendants on logistics, we'll
11 let you know. But right now, I think everyone is oriented
12 towards getting things all to you in good order, working
13 towards the goals that you've set forth in your Court
14 procedures and otherwise.

15 THE COURT: Thank you, Mr. Entwistle. And the reason
16 -- let me just talk to you just briefly about the length of
17 time for opening. I don't -- I let the parties try their case
18 the way they want to, but what I found, my experience,
19 especially in this last case, the longer I give in these
20 complex cases for opening statement, it turns into opening
21 argument, and that's problematic. And by keeping the time and
22 by focusing the parties on a road map of the evidence and
23 telling a story rather than arguing, the jury really gets the
24 case -- gets to understand the case clearer. They don't get
25 bogged down with a lot of unnecessary detail. I know all of

1 you guys are great lawyers and I know you wouldn't do this, but
2 it's just been my experience in the past, including most
3 recently, that when we have extended long openings, the jury
4 just gets more confused. It's not really helpful for the jury.
5 So, in a jury case, we're going to -- and I'll rethink the time
6 a little bit as we get closer. But right now, at a minimum --
7 basically, it's going to be, I'm looking at an hour, maybe a
8 little bit more, an hour and 15, maybe an hour and a half, but
9 that's pretty much it. And so, and again, that isn't to make
10 your lives more difficult because, as you said, I've been a
11 trial lawyer, I know what you need to be able to tell your
12 story. But, at the same time, half day, day long opening
13 statements aren't very helpful to juries. So, I just wanted to
14 explain to you my reasoning.

15 MR. ENTWISTLE: Your Honor, we appreciate it. We
16 appreciate that, Your Honor. And whatever amount of time you
17 give us, we'll make it work without question. So, we think
18 this is actually a pretty straightforward case to present to
19 the jury, even though, obviously, you're dealing with 55 briefs
20 or whatever it is at the moment.

21 THE COURT: Right.

22 MR. ENTWISTLE: So, it may not appear that way, but
23 we think that the jury will readily understand this and that
24 the (indiscernible) should go in fairly smoothly. But I'm just
25 pointing out, it's very helpful. Any guidance you give us

1 along the way with regard to that, trial management, how you're
2 going to take presentation from Defendants, etc., etc., will
3 all be very helpful as we continue to march rapidly toward the
4 Docu-Call and then trial.

5 THE COURT: Sounds like a plan Mr. Entwistle, and one
6 thing that working out Motion for Summary Judgment has shown me
7 is that the Charge Conference is really difficult. What we're
8 going to end up having to do, as I said, I'm going to really
9 start working -- like I typically do, I'll start working on the
10 charge during trial. But I really need your proposed jury
11 charge in as good as shape as you can get it, so that during
12 the course of the trial -- and not just the charge but send me
13 the instructions to give to the jury, because I'm going to need
14 to start thinking about those issues ahead of time based on the
15 evidence. Some of those issues I'm already thinking about in
16 terms of what are dispositive questions. But in a jury charge,
17 they'd have to take up those issues again. So, the one thing
18 you could do that'll help, and we'll talk about it later at
19 Status Conferences, is to get your jury charges in as good as
20 shape as you can, specifically the instructions that you'd like
21 the Court to consider as in good shape as you can so that I can
22 work with those during the presentation of the evidence.

23 MR. ENTWISTLE: That's terrific. We will, Your
24 Honor.

25 THE COURT: Okay, and then, Ms. Whang, I saw you

1 raise your hand?

2 MS. WHANG: Yeah, I see Mr. Hampson jumped in and I
3 wanted to (indiscernible) an opportunity to respond, but
4 (indiscernible).

5 MR. HAMPSON: If you don't mind, Ms. Whang, I'd
6 appreciate it. And Your Honor, just very, very quickly on the
7 Alta side. Just on a separate trial point that Mr. Entwistle
8 raised, obviously they just filed their Motion. It hasn't been
9 raised previously with the Court and our opposition wasn't due
10 until March 6th. We obviously have a different view and I
11 believe Defendants do about whether it would promote
12 efficiency. You could see it in our opposition papers, but
13 right now I just want, in terms of guidance, Your Honor, has
14 been solving these cases. As far as we're concerned, there is
15 a Joint Trial and until Your Honor orders otherwise, we should
16 be preparing as if it's going to be a Joint Trial. And so, I
17 just wanted to be sure that is the guidance that Your Honor is
18 issuing because that would -- we want to make sure we are
19 included in the process of preparing for trial.

20 THE COURT: Yes. Well, right now, I haven't gotten
21 an answer, I mean, a Response yet for the Motion. So, I
22 haven't really formed an opinion one way or the other. Right
23 now, it's a joint trial. I've got to hear the different
24 response, consider it, and then I'll get an answer back to you
25 as quickly as I can. I think you'll have an idea because one

1 thing that the presentation about continuance brought home,
2 which I was aware of, but it really rang forth the point that
3 you guys will be spending a lot of money getting ready for this
4 trial. So, we want to -- I want to minimize that as much as I
5 can and give you as much information so that you won't have to
6 gear up, one, and spend all the money, once, instead of
7 multiple times figuring out how to do this and getting
8 witnesses and resources together. My goal is to try to get you
9 guys to trial one time, if I can, and as I said, I haven't seen
10 the Response, I haven't considered the Motion yet, and try to
11 get everything done one time, as efficiently as we can so that
12 you guys can get some closure and then move on.

13 MR. HAMPSON: Thank you, Your Honor, and I'll pass
14 the torch to Ms. Whang.

15 THE COURT: Okay.

16 MR. HAMPSON: Ms. Whang?

17 MS. WHANG: Thank you, Your Honor and thank you, Mr.
18 Hampson. I think that the last point that Your Honor just made
19 about one trial is something that is really important. I think
20 they glossed over it during prosecution's presentation saying,
21 "It doesn't affect anything. It doesn't affect anything."
22 Motion to Sever really does affect a lot of things
23 (indiscernible) with respect to the timing 7 or 8 trial days
24 multiplied by 2 plus (indiscernible) plus rebuttal, that's a
25 nearly 4-week trial. And the last time we were all here in

1 front of Your Honor on February 1st, the discussion was around
2 a 2-week trial in the beginning of June and Your Honor said
3 you'd have to clear your docket to give us that section. And I
4 understand there may be a window now, but the four weeks that
5 were just outlined doesn't fit into that 2-week block and it
6 surely doesn't fit while there's a pending Motion to Sever.
7 So, the idea of the long list that we put in our slide that the
8 pre-trial (indiscernible) that have to get done in this
9 compressed period when the Motion to Sever wouldn't even be
10 briefed is one that doesn't feel tenable right now. And that's
11 something that's different from the last time we were before
12 Your Honor, right. Because the last time we were before Your
13 Honor, was we were talking about an April 12th docket call and
14 talking about a potential June trial. Our Plaintiffs never
15 once raised their hand and said, "Hey, we have this forthcoming
16 Motion to Sever", but there was no discussion of that, and that
17 very much changed the landscape. We can proceed to trial and
18 prep for trial as if it's going to be a joint trial. But as
19 (indiscernible) advocates, we always have to think about what
20 might happen given any ruling from Your Honor. So, we have to
21 plan for all these contingencies. What if the Motion to Sever
22 is granted? What if it's not? And so, we're prepping for all
23 these issues of trial, kind of, with blindfolds on.

24 And I recognize Your Honor's ruling and I understand
25 it and we're no strangers, all of us on this call, to rushing

1 to prepare for trial and putting the hard work in and that's
2 the issue. It's really one of how does it get done in that
3 amount of time? And how do you do it efficiently so that we're
4 only putting, for example, the Motions in Limine, in front of
5 Your Honor, that actually apply to the trial at hand? Is it to
6 a joint trial? Is it Motions in Limine for a trial just for
7 the class witness? Is it just for the (indiscernible)
8 Plaintiffs? Is it just (indiscernible) issues? Those are all
9 iterations that we don't have clarity into yet and I recognize
10 the incredible burden that it puts on the Court to rush through
11 the Summary Judgment process. It's a voluminous brief like
12 we've been talking about. I recognize the Court is incredibly
13 generous with giving us guidance about when decisions are going
14 to be coming out. I know that that's a difficult thing to do.
15 I know it's a difficult thing for busy Chambers like yours to
16 do. And I understand the ruling, but I respectfully think a
17 lot has changed since the last time we were convened on
18 February 1st and in particular, the exacerbated burden on
19 preparing for trial when a Motion to Sever is pending.

20 THE COURT: Okay. I hear your argument, but Mr.
21 Hampson, your response is going to be filed March 6th, which is
22 basically, what, a week and a half away. So, if I get the
23 Motion, I've got the Responses. I can rule on the Motions,
24 what, two weeks, three weeks, max, with respect to additional
25 costs. I mean, I know that you guys are probably -- this is a

1 very expensive case, but you'll get an answer from me pretty
2 shortly and if you don't, for some reason, if something
3 happens, please send me a letter and say, "Judge, we're about
4 to make schedules for witnesses that are going to come overseas
5 or some sort of experts. It's going to cost a lot of money.
6 Do you have an idea of maybe when we'll be expecting a
7 response?" So, what I'm saying is, two weeks, maybe three
8 weeks is going to add that much of a burden to the parties
9 given the fact that you've got to start getting ready for the
10 trial anyway, until I rule on the Motions for Summary Judgment,
11 which I'm on? I hear you, but we're talking three weeks here,
12 before I get a chance to rule on the Motion to Sever. But just
13 -- like I said, I have not made out a response yet, but my
14 preference, typically, absent unusual circumstances it to try
15 to get these cases tried once and for all. I mean, but I'm not
16 pre-ruling on the Motion because I haven't seen the Response
17 yet. I'm just telling you, sort of, my general practice is to
18 try to get all this done. But in terms of the cost, I'll rule
19 as quickly as I can. I'm trying to get rulings out to you as
20 quickly as I can. You'll have to wait three weeks.

21 MR. ENTWISTLE: We appreciate that, Your Honor. And
22 as a practical matter, it's the same preparation no matter what
23 because --

24 THE COURT: It is.

25 MR. ENTWISTLE: The only difference will be that

1 there'll be some issues that wouldn't be tried in the class
2 case, they'd just be deferred because they're individualized
3 for the separate trial, if you go that way. And if not,
4 they'll get tried together. But either way, it doesn't matter
5 and even with regard to the Pre-Trial Order or Motions in
6 Limine, the parties will file whatever Motions they need to
7 file. The jury charge becomes a little more complicated, but
8 there'll be separate charges that relate to the individual
9 actions, etc. We'll deal with the logistics of all of that. I
10 don't think we need to worry about those issues for now. We'll
11 prepare, continue to prepare and exchange materials as if it's
12 being tried jointly and then we can deal with the separate
13 pieces as we move forward. So, no worries there. We
14 appreciate your thoughts and guidance on that.

15 (Crosstalk)

16 MR. WORD: Thank you, Your Honor. I appreciate, like
17 everyone else, the guidance you've given us. I do have some
18 operational questions about how it will work.

19 THE COURT: Sure.

20 MR. WORD: We're all, sort of, aiming towards getting
21 you the Joint Pre-Trial Order by April 5th, I believe the date
22 before the docket call. Our Order didn't have a date for that
23 to be filed. We're assuming that seven days in advance is
24 pursuant to Rules, so you can let us know if we've misread you
25 on that, but that's what we're targeting.

1 THE COURT: That's (indiscernible).

2 MR. WORD: One question I have that needs to be
3 mentioned in jury instructions in getting those in as good as
4 shape as possible, and my question is, how much of this do you
5 prefer we get done before the April 12th, recognizing that we
6 have a couple more months afterwards before we actually get
7 towards the trial? Should we be racing to get stuff done on
8 the trial the next couple of weeks or do we have some time
9 after that docket call to formalize exhibit lists, deposition
10 designations, jury instructions, things like that?

11 THE COURT: Good question, Mr. Word. So, here's what
12 -- you don't need to do that for the docket call because the
13 trial won't be for 45 days after the docket call, so you're
14 looking at the first week of June. So, you don't need to have
15 everything ready. If you can have all that information ready
16 by the middle of May, that would be plenty enough time for me.
17 The reason I need the jury charge in good as shape as you can
18 get it is because I need to work on it during the trial and you
19 can't really finalize the jury charge probably until after you
20 -- or start working completely on the jury charge until after
21 you get my ruling with respect to the MSJs. And by then,
22 you'll have that information so it's easier to get it done a
23 little bit later. That's not a problem. (indiscernible).

24 MR. WORD: (indiscernible).

25 THE COURT: I'm sorry.

1 MR. WORD: I didn't mean to cut you off.

2 THE COURT: Oh, no, no. I cut you off. I apologize.

3 MR. WORD: That was my thinking, as well. Because
4 Mr. Entwistle has accurately represented several times that
5 this could (indiscernible), we're all going to need to make
6 changes to our exhibits, to our witnesses, things come up
7 (indiscernible). So, I agree. We'll be working diligently
8 with the Plaintiffs to prepare those forms and get as much to
9 you as we can in time for the docket call but recognizing that
10 some things are just going to take a little more time,
11 especially on my end, depending on rulings.

12 My next question, Your Honor, is you mentioned that
13 we had two weeks. I think that Ms. Whang had done the math for
14 us. It was about a four-week trial what Plaintiffs were
15 proposing right now. Does that fit with Your Honor's calendar
16 in June, essentially with the trial being all of June? I need
17 to inform my witnesses when I think they might go and make sure
18 they're available during that whole time period.

19 THE COURT: Yeah. I've got to get that. We're going
20 to have to go through June. Does anyone else have -- except
21 for the latter part of June, I'm going to have to bump them,
22 unless it's a criminal case, which I haven't had to bump a case
23 or a criminal case in eight years. So, usually criminal cases
24 plead at the last minute. So, unless that happens, you
25 literally are one of my oldest cases and a 2019 case, so you've

1 got to take priority. I'm going to have to have that
2 conversation with whoever -- whatever case that's set by the
3 end of June that we're not going to be able to get to them.
4 (indiscernible).

5 MR. ENTWISTLE: Your Honor, just on logistics for
6 what we would be submitting then since it's Plaintiff's
7 obligation to pull all this together for you for the Joint Pre-
8 Trial Order, we would intend to follow your rules, get you
9 whatever we can, all of the attachments, the Order itself,
10 Trial Memos, etc. We'll get you all of that material with,
11 sort of, the notion of depending on timing of Orders, etc.,
12 obviously there'll be some additions, changes, whatever, to the
13 charges. There may be changes to the exhibit lists, etc. But
14 our thought would be, we'll follow your schedule, we'll get you
15 everything that the parties have put together for all of those
16 attachments, exhibit lists, etc., etc., witness lists, and the
17 like, with the filing of the Joint Pre-Trial Order. And then,
18 the parties will work after that to make adjustments, deal with
19 objections to exhibits and the like, along with normal
20 schedule, recognizing that we will be, as Mr. Word said,
21 necessarily working further on the charges, etc., as we move
22 forward.

23 MR. PORTER: I think that it sounds like
24 (indiscernible). One thing I did want to raise, given that
25 we're going to be working together very closely as we all get

1 ready for trial and move forward, I just want to raise an issue
2 of just basic decorum. There was a conference on Monday, and
3 I've heard from several sources, one of the things that I do,
4 that we do here is (indiscernible) handle Meet and Confers is
5 get opportunities to work with opposing counsels, so on and so
6 forth. So, I was -- Ms. Guzman was attending, as well as Ms.
7 Whang, but Ms. Guzman was on the call, and she was talking or
8 attempting to talk to raise a point and she was yelled down, as
9 I heard it from several folks, by Mr. Entwistle and he's
10 speaking to her in a very rude manner. And again, because
11 we're going to be working very closely together, that's
12 something that I do want to raise because at the end of the
13 day, Your Honor, change/no change doesn't matter. I don't
14 appreciate anybody on my team being treated like that,
15 especially when it's something that we try to do to give
16 younger associates opportunities and so, something that I will
17 always make sure that my team knows that I'm going to speak to
18 them --

19 Ms. Guzman (indiscernible) speak for her because she
20 handled it on the call, as I understand it. But what I'm
21 asking from the Court is just a reminder to the parties on both
22 sides that we need to be courteous as we go throughout this
23 process because again, we are going to be working very close
24 together over the next couple of months and I'm not saying
25 anything to try to raise anything other than if we could just

1 get a reminder from the Court so that we don't have to come to
2 you with anything like that in the future.

3 THE COURT: Okay. Well, you guys are excellent
4 lawyers and very professional. There's really no need for that
5 and I'm not taking sides and I'm not saying anybody did
6 something or didn't do something. But life is short. Don't
7 make it more stressful through the practice of law. I mean,
8 all it's going to do is lead to a shorter lifestyle and you'll
9 just be miserable. A shorter lifespan, a miserable lifestyle
10 and nobody ends up being happy. I mean, basically, I don't
11 want to do this, so, in the future, if it does happen again, or
12 if somebody's concerned about it, what I've done in the past,
13 I've only done this once is, I get everybody's permission to
14 have Meet and Confers recorded and all parties have to give
15 their permission to have all Meet and Confers by June and if
16 they are not in person by June, everybody agrees to have those
17 Meet and Confers recorded. And therefore, there's a record of
18 the Meet and Confers, exactly what everyone said, how everyone
19 behaved and what everyone treated each other, how everyone
20 treated each other, and you just present that to me. So, I'm
21 willing to do that once during the era of Zoom, but I don't
22 think I need to do it here because you guys are good lawyers.
23 Just treat each other the way you want to be treated, and you
24 should be able to get this case tried. There's no excuse for
25 yelling or mistreating anyone. I mean, that's just ridiculous.

1 And I'm not saying that anybody did it, so I'm not implying
2 that anyone did, it's just that when things get a little tense,
3 people can say things or take things in different ways. It
4 happens.

5 But in the future, if there is a concern, what we're
6 going to do is, everyone is going to provide me with a written
7 consent to be recorded for Meet and Confers and then all the
8 Meet and Confers will be by Zoom since you guys can't do it in
9 person. And we'll just have a recording and that way, if
10 there's ever an issue, you can just submit to me the Zoom
11 recording, I'll know exactly who said what and then we'll move
12 on.

13 MS. GUZMAN: Thank you, Your Honor. We appreciate --
14 oh, I'm sorry.

15 THE COURT: Oh, no. I'm all done.

16 MS. GUZMAN: I was just going to add. We appreciate
17 your guidance and hope that it doesn't reach that point. Of
18 course, we don't like having to raise this issue in the first
19 place because as you said, it's important that we, amongst the
20 legal profession, treat each other with respect and maintain
21 decorum, even outside the courtroom. But as Mr. Porter said
22 and just to reiterate that it's important that we all use a
23 tone and speak to each other respectfully during these
24 conversations, even when not in your presence because I have a
25 very short legal career, but I can still recognize when

1 screaming or yelling, especially when you're trying to have a
2 productive conference about reaching an agreement is just not
3 productive and not conducive to a healthy legal environment.

4 THE COURT: I completely agree with your sentiments
5 and Ms. Guzman, of course, you've been on the other side, and
6 you've been sitting where I'm sitting basically, next to a
7 judge and you understand that in these discovery disputes --
8 and Ms. Guzman already knows this, but I'll just tell you guys
9 this. I mean, what any judge is looking for, is the attorneys
10 to be the adult in the room. That is, we're looking for the
11 attorney who gives a solution to the problem, not creating more
12 problems. And if you can be that attorney, the attorney that
13 comes to the Court and says, "Judge, here's the issue and
14 here's how I can help you resolve the issue." And here's what
15 I've seen as a law clerk, that is a lot -- that gets you a lot
16 farther with the Court and your client's position than being
17 nice to the Court on hearings or -- it's just -- being the
18 adult in the room gets you things that you can't get any other
19 way in legal procedure. Let me just put it that way. And
20 that's what the Court's looking for. So, if you guys can be
21 the adult in the room, that is the folks that bring to me
22 solutions to the problems rather than just yelling at each or
23 pointing a finger at each other, that's so much more helpful.
24 And so, if you guys can do that, that would be helpful.

25 And remember, even if somebody makes a mistake -- my

1 dad always taught me, the first time it's a mistake, the second
2 time it's a choice. So, if somebody makes a mistake, don't
3 jump their case, don't assume that what they've done is evil or
4 terrible. Assume it's a mistake, move on until it happens
5 again. The second time it happens, it's a choice, then we have
6 to deal with it. But the first time, as members of the Bar and
7 professionals, we extend the benefits of the doubt and then if
8 it happens again, then we'll talk about it. And then the
9 second one is, be the adult in the room, be the one that
10 presents the Court with solutions to the problems and things
11 work out a lot easier. And then it gets you advantages before
12 the Court that you really can't get another way. So, hopefully
13 that's helpful to you all.

14 MS. GUZMAN: Thank you.

15 MR. ENTWISTLE: It's very helpful, Your Honor. And
16 obviously, we're completely solution oriented. Obviously, in
17 the Joint Pre-Trial process, the burden, for what it's worth,
18 of coordinating and keeping the process moving, falls to the
19 Plaintiffs and sometimes the Defendants are a little reluctant.
20 I'm not suggesting that's the case here. I've been doing this
21 a couple of years now. And during that time, no-one has ever
22 suggested what Mr. Porter just did. He, of course, wasn't even
23 on the call, but it was a call, right, not a Zoom, and there
24 certainly -- I mean, calls are what they are, right, people are
25 trying to get a word in edgewise, you can't see other folks on

1 the call. Not always simple for someone to get that word in
2 edgewise and it may be that someone was frustrated, but as you
3 know, because we've been together a bit, I don't scream and
4 shout or raise my voice. And if someone was frustrated, then
5 that was never the intent. The intent was just to move the
6 process forward as we've been trying to do throughout. So, I'm
7 sure we'll be back on a call or a Zoom or whatever we do as we
8 work productively forward. We have been working productively
9 forward. We, obviously -- we don't all agree with one another
10 all the time on the bid process. It's a (indiscernible)
11 process. So, we certainly all understand that. But everyone
12 eventually gets their chance to make their points. And I think
13 even what we sent back to the Defendants yesterday shows we
14 were listening. So, there'll be more to work through.

15 We'll look forward to the next time we're before Your
16 Honor, whenever that is. I don't know what your schedule or
17 calendar is, but having these conferences every -- it makes
18 sense to do the next one on the -- just following the
19 oppositions on the Motion for Separate Trials. I don't know
20 what your schedule is. I don't know that we'll even a Reply or
21 that we'll be entitled to one, but I don't know that we would
22 need a Reply. I think the issues are pretty self-evident. But
23 if we had a conference immediately after, if we thought there
24 was something more to be said, we could even do that. We could
25 just talk to you about it. But I think the issues are very

1 straightforward and I think Your Honor will, as you have on
2 most issues, understand fully from the briefing, where things
3 need to land under the circumstances. We appreciate your time
4 today, Your Honor, as always. And then, just let us know when
5 you would like to schedule the next conference.

6 MR. PORTER: And Judge, if I could just follow up
7 with that very briefly. I'll just -- I'm not trying to make --
8 cast any aspersions on anyone. I certainly (indiscernible) --
9 you've heard from Ms. Guzman, I've heard it from several people
10 what took place and I asked and so, what happened, happened.
11 And this isn't an issue that we're just trying to take shots at
12 the Plaintiff. And in fact, I've heard from several people
13 that Mr. Trig Smith was perfectly reasonable and actually was
14 the calming factor on the call. So, this is not done to take a
15 shot. What happened is what happened is what several people
16 said. So, this is not an issue of if someone felt or someone
17 was whatever. That was not the case. And I don't want to get
18 into a he said/she said. I asked the Court respectfully for
19 the guidance on this. I thanked the Court for the guidance on
20 this. But I'm -- it's very important to me that particularly
21 my younger associates, that they continue to get these
22 opportunities to be able to go on to these types of
23 conferences, on these types of calls. I'm sitting in Delaware
24 right now, getting ready for trial on Monday, so I'm not
25 available (indiscernible). So, I need to be able to turn it

1 over to people I trust, but I also need to make sure that
2 they're going to get the opportunity to speak and that they
3 won't be shouted down. The reason Mr. Entwistle notes they
4 sent a letter is because he had been recalled the following
5 day, Ms. Whang just said, "Well, no, because of the way he
6 behaved. Just put everything in the letter." So, that's why
7 everything went into a letter. But again, we have the Court's
8 guidance on that. That's all that I was asking for and we will
9 be respectful. I think that now, everyone else will be
10 respectful going forward. And so, I think that we will be able
11 to work reasonably and work together to get to the point that
12 the Court needs us to get to for all the Pre-Trial
13 (indiscernible), so I appreciate the Court's guidance on that.

14 THE COURT: Great. I think we've spent enough on
15 this issue. I'm going to let you guys go. So, you all have a
16 great afternoon. I'm going to set the hearing -- the next
17 Status Conference in two weeks, probably two weeks from --
18 well, we can't do it in two weeks because the folks that are on
19 the call right after you, they'll be in the middle of trial,
20 but we might be able to set it during lunchtime during that
21 trial. Let me see what we're going to do in the next case and
22 then I will probably schedule you two weeks from today over
23 lunchtime.

24 MR. ENTWISTLE: We'll look forward to it. Thank you
25 again for all of your time today and your guidance. We

1 appreciate it.

2 MR. HAMPSON: So, Your Honor, not to belabor
3 anything or cause more trouble, but two weeks from today is the
4 date of the opposition. So, if you were planning to set the
5 next one after the opposition to the (indiscernible) Motions
6 (indiscernible).

7 THE COURT: Oh, that's right. I'm still -- I've been
8 in trial non-stop. I thought two weeks was March 13th, but
9 it's not. I'm sorry. Never mind. I will schedule it probably
10 the end of the week, that Friday. But I just need to double
11 check. I think I'm going to schedule it the 8th.

12 MR. HAMPSON: Thank you, Your Honor.

13 THE COURT: Okay.

14 MR. HAMPSON: You will hear from me sooner.

15 THE COURT: Terrific. Thank you. Okay?

16 MR. HAMPSON: Thank you. Have a great one.

17 THE COURT: Take care, everyone. It's good to see
18 you.

19 MR. HAMPSON: You, too. Goodbye.

20 MS. GUZMAN: You, too.

21 THE COURT: Goodbye.

22 (Hearing adjourned at 2:18)

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C E R T I F I C A T I O N

I, Sonya Ledanski Hyde, certified that the foregoing transcript is a true and accurate record of the proceedings.

A handwritten signature in cursive script that reads "Sonya M. Ledanski Hyde".

Sonya Ledanski Hyde

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Date: February 27, 2024